

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RICHARD ROSARIO,

Plaintiff,

-against-

GARY WHITAKER, CHARLES CRUGER,  
RICHARD MARTINEZ, THE CITY OF  
NEW YORK,

Defendants.

18 Civ. 4023 (LGS)

**Verdict Sheet**

**Question 1**

Has plaintiff Richard Rosario proven by a preponderance of the evidence that any of the following defendants caused him to be denied his constitutional rights to due process and a fair trial by (1) fabricating evidence, (2) withholding material favorable evidence, and/or (3) using a suggestive identification procedure?

Gary Whitaker: Yes

No

Charles Cruger: Yes

No

Richard Martinez: Yes

No

If you answered YES to Question 1 for at least one defendant, then you must answer Question 2.

If you answered NO to Question 1 for all defendants, do not answer Question 2. Instead, proceed to Question 3.

**Question 2**

Has plaintiff proven by a preponderance of the evidence that any of the following defendants failed to intervene when another defendant denied plaintiff the right to due process and a fair trial?

Gary Whitaker:	Yes _____	No <input checked="" type="checkbox"/>
Charles Cruger:	Yes _____	No <input checked="" type="checkbox"/>
Richard Martinez:	Yes _____	No <input checked="" type="checkbox"/>

**Proceed to Question 3.**

**Question 3**

Has plaintiff proven by a preponderance of the evidence that he was maliciously prosecuted by any of the following defendants?

Gary Whitaker:	Yes <input checked="" type="checkbox"/>	No _____
Charles Cruger:	Yes _____	No <input checked="" type="checkbox"/>
Richard Martinez:	Yes _____	No <input checked="" type="checkbox"/>

**Proceed to Question 4.**

**Question 4**

Has plaintiff proven by a preponderance of the evidence that the City of New York is liable for the malicious prosecution of Richard Rosario? As the Court instructed you, if you answered "yes" as to any defendant for Question 3, you must answer "yes" to this question. If you answered "no" for all defendants in Question 3, you must answer "no" to this question.

Yes

No \_\_\_\_\_

**If you answered "no" as to all defendants with regard to all of Question 1, Question 2, Question 3 and Question 4 then your deliberations are finished. Please proceed to the last page of the verdict form.**

**If you answered "yes" to any part of Question 1, Question 2, Question 3 or Question 4, then you must answer Question 5.**

**Question 5**

Has plaintiff proven by a preponderance of the evidence that he suffered compensatory damages as a result of any of the following defendants' conduct?

Gary Whitaker:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Charles Cruger:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Richard Martinez:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**If you answered YES to any part of Question 5, proceed to Question 6. If you answered NO to all parts of Question 5, then proceed to Question 7.**

**Question 6**

Please state the amount of damages Mr. Rosario has proven by a preponderance of the evidence, in accordance with the Court's instructions regarding compensatory damages.

\$ 5,000,000

**If you answered YES to any part of Question 5, and you answered Question 6, omit Question 7. Your deliberations are finished. Please proceed to the last page of the verdict form.**

**Question 7**

State the dollar amount of any nominal damages (not to exceed one dollar) that you award plaintiff.

Nominal damages: \$       

**Your deliberations are finished.**

Please sign and date this Verdict Sheet, and advise the Court by note that you have reached a verdict and are ready to return to the courtroom to announce your verdict.

Dated: August 11, 2022  
New York, NY

1. Vee  
2. John  
3. Ale  
4. Michael Perez  
5. Alejandra R  
6. Vee  
Foreperson

4:27 pm

6. Dropadee Parasram  
7. Antonio L  
8. Curi  
9. R Sy  
10. M. Lugo